



Local Rule 5005-2 Filing Papers- Electronic Filing (2013)

(a) When Electronic Filing is Required. Except as expressly provided or in exceptional circumstances, a Filing User must file all papers required to be filed with the court electronically. Notwithstanding the foregoing, filers who are not required by these Local Rules to be Filing Users are not required to electronically file papers in a case or proceeding assigned to the Electronic Filing System.

(b) Eligibility and Registration of Filing Users and Applicable Rules. Attorneys admitted to the bar of this court (including those admitted under [Local Rule 2090-1\(b\)](#) [1]), United States trustees and their assistants, bankruptcy administrators and their assistants, private trustees, and individuals as the court deems appropriate, must register as Filing Users of the court's Electronic Filing System. No entities, such as law firms or corporations, may be Filing Users. Registration is in a form prescribed by the clerk. A registration form is located on the court's website, www.utb.uscourts.gov [2], and should be downloaded for use in the registration process. The form requires the Filing User's name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this court, or in the case of an attorney admitted under [Local Rule 2090-1\(b\)](#) [1], a copy of the order granting the admission, and an agreement of the Filing User to comply with the court's usage protocols posted on the court's website, www.utb.uscourts.gov [3].

(1) **Waiver and Consent.** Registration as a Filing User constitutes: (A) waiver of the right to receive notice by first class mail and consent to receive notice electronically; (B) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under [Fed. R. Bankr. P. 7004](#) [4]; and (C) consent to abide by the court's posted usage protocols. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under [Fed. R. Bankr. P. 9022](#) [5].

(2) **Log-in and Password.** Once registered under subsection (c) of this rule and training is complete, the Filing User will receive notification of a user log-in and password. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

(3) **Suspension and Termination.** The court may temporarily suspend a Filing User's use of the Electronic Filing System for cause without notice and a hearing. After notice and a hearing, the court may terminate a Filing User's use of the Electronic Filing System for cause, including abuse of the Electronic Filing System or failure to comply with these Local Rules or the court's posted usage protocols, and impose such sanctions as are appropriate.

(4) **Withdrawal.** Once registered, a Filing User may only withdraw from participation in the Electronic Filing System if such rights are suspended or terminated by the court.

(c) Consequences of Electronic Filing. A Filing User whose password is used to file a petition, pleading, motion, claim or other document thereby certifies that the Filing User, whether an attorney or a party appearing without an attorney, has authorized the filing.

(1) **Filing, Entry on the Docket, and Official Record.** Electronic transmission of a document to the Electronic Filing System consistent with these Local Rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules, and constitutes entry of the document on the docket kept by the clerk under [Fed. R. Bankr. P. 5003](#) [6]. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed, unless the court orders otherwise. A document filed electronically is deemed



filed at the date and time stated on the Notice of Electronic Filing from the court.

(2) **Deadlines**. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day.

(d) Attachments and Exhibits. Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the court permits conventional filing. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or to file the complete document electronically. Responding parties may timely file additional excerpts electronically or complete documents conventionally that they believe are germane.

(e) Retention Requirements. Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until 5 years after all time periods for appeals expire. On request of the court, the Filing User must provide original documents for review.

(f) Signatures. The user log-in and password required to present documents on the Electronic Filing System are the Filing User's signature for all purposes, including [18 U.S.C. § 151](#) [7] et seq., [28 U.S.C. § 1746](#) [8], all sections of the Bankruptcy Code, [Fed. R. Bankr. P. 9011](#) [9] and all other provisions of the Federal Rules of Bankruptcy Procedure, and the Local Rules. Each document filed electronically must include a caption in compliance with [Local Rule 9004-1\(a\)](#) [10]. The name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear in the signature block, or by a graphical signature.

(1) **Unauthorized Use**. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

(2) **Multi-Signature Documents**. Documents requiring signatures of more than 1 party must be electronically filed either by: (A) submitting a scanned document containing all necessary signatures; (B) representing the consent of the other parties on the document; (C) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by those parties no later than 3 business days after filing the document; or (D) in any other manner approved by the court on a case by case basis.

(g) Technical Failures. A Filing User or other party whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

Source URL: <https://www.utb.uscourts.gov/local-rules/2013/5005/2?page=2>

Links

[1] <https://www.utb.uscourts.gov/local-rules/2013/2090/1>

[2] <http://www.utb.uscourts.gov>

[3] <https://www.utb.uscourts.gov/>

[4] https://www.law.cornell.edu/rules/frbp/rule_7004

[5] https://www.law.cornell.edu/rules/frbp/rule_9022

[6] https://www.law.cornell.edu/rules/frbp/rule_5003

[7] <https://www.law.cornell.edu/uscode/text/18/part-I/chapter-9>

[8] <https://www.law.cornell.edu/uscode/text/28/1746>

[9] https://www.law.cornell.edu/rules/frbp/rule_9011

[10] <https://www.utb.uscourts.gov/local-rules/2013/9004/1>



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